IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.15389 of 2006

Between:

Kapa Mahendranath

..... PETITIONER

AND

1.State Election Commission, Andhra Pradesh,
rep. by its Commissioner, 3rd Floor, Budha Bhavan,
M.G.Road, Secunderabad, and 3 others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.15389 of 2006

ORDER:

This Writ Petition is filed seeking a Writ of Certiorari calling for the records relating to or connected with the orders of the 4th respondent dated 20-07-2006 rejecting the nomination of the petitioner for the post of Sarpanch of Venkatapalem Gram Panchayat, Thulluru Mandal, Guntur District and also

the order of the 3rd respondent in his Rc.No.1535/2006-A dated 22-07-2006 in rejecting the Appeal of the petitioner and quash the same as illegal, arbitrary and opposed to principles of natural justice.

Petitioner filed two sets of nominations for the post of Sarpanch, Venkatapalem Gram Panchayat, Thulluru Mandal, Guntur, and the same were rejected on the ground that he is in arrears of property tax. Then, the petitioner filed an appeal before the third respondent but the appeal was also rejected. The main grievance of the writ petitioner is that both the fourth respondent-Returning Officer and the third respondent-Revenue Divisional Officer have not applied the mind at all.

The learned Counsel for the petitioner had pointed out that irrelevant and non-existent provisions had been quoted by the respondent-authorities, and in view of the same, rejection of the petitioner's nomination itself is illegal and arbitrary.

A counter-affidavit is filed by the third respondent denying the allegations made in the affidavit filed in support of the Writ Petition.

Prima facie, this Court also is satisfied that the impugned cannot be sustained and the same appears to be arbitrary.

It is needless to say that irregular or illegal rejection of nomination can also be a ground of attack in an Election Petition. But however, at this stage, this Court, being a Writ Court, cannot go into those aspects. It would be appropriate if the petitioner avails the efficacious alternative remedy of Election Petition by approaching the appropriate Election Tribunal.

With the above observation, the Writ Petition is disposed of. No costs.

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31st July, 2006

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